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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,095	01/14/2004	Olivier Attia	290836.126-US1	3509
28089	7590	09/07/2006	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP			PAIK, STEVE S	
399 PARK AVENUE			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	
			2876	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,095

Applicant(s)

ATTIA ET AL.

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-14 and 16-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-10,14,18-21,26 and 29 is/are rejected.
- 7) ☒ Claim(s) 5,6,11-13,16,17,22-25,27,28,30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/27/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 19, 2006 has been entered.

### ***Response to Amendment***

2. Receipt is acknowledged of the Amendment filed June 19, 2006.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 7-10, 14, 18-21, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara (US 6,512,919) in view of Ben Dror et al. (US 6,091,511) and further in view of Nakamura et al. (US 5,852,677).

Re claims 1, 4, 9, 10, 14, 20, 21, 26, and 29, Ogasawara discloses a system and method for decoding a barcode (see Figs. 1 and 14) comprising:

at least one machine-readable barcode (22 and 31 in Fig. 1 and Fig. 14) imaged by a mobile device equipped with a digital camera (236). Ogasawara further discloses a wireless network (see Fig. 1) and a server for receiving and processing said barcode image, decoding said

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barcode image (col. 22, ll. 40-68). The server transmits media content to said mobile device after processing said barcode information (claims 9, 10, 20, and 21; col. 6, ll. 42-52).

Ben Dror et al. disclose an image processing method comprising the steps of converting the image to a two-dimensional array (col. 2 ll. 26-29), converting said image to grayscale (col. 2, ll. 42-45), dividing said image into vertical sections (sub-arrays; col. 2, ll. 30-31), determining the minimum pixel intensity in each of said sections (col. 2, ll. 33-34), assigning a pixel in a section an intensity corresponding to black if the intensity of the pixel lies within a predetermined range of the minimum pixel intensity for that section (Fig. 2; step 26), and assigning a pixel in a section an intensity corresponding to black if the intensity of pixels surrounding said pixel lie within a predetermined range of minimum pixel intensity for said section (Fig. 2; step 28), and recombining said image sections (Fig. 2; step 32). Ben Dror's invention seeks to provide a system and a method for enhancing both the resolution and the gray level range of a digitally reproduced image without increasing the amount of digital information required to define the image (claim 4).

However, neither Ogasawara nor Ben Dror et al. specifically discloses a first and a second threshold having a relationship as recited in claims 1, 14, 26, and 29.

Nakamura et al. disclose an image data processing apparatus and method comprising the step of comparing and assigning a pixel value by comparing with a first threshold and a second threshold value (Fig. 3). In turn, inputted image data within a range between the minimum input value and the maximum input value thus determined are allowed to correspond to output image data within a range between a lower limit output value "0" and an upper limit output value "225", and a gradation adjustment line is prepared (Step S8). More specifically, the CPU 100 produces

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a table corresponding to the gradation adjustment line in a storage area of the memory 101. The image data processed by the image quality correcting section 46 are corrected on the basis of the gradation adjustment line. Accordingly, more enhanced and clear image may be reproduced.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have incorporated a first and a second threshold level as taught by Nakamura et al. into the teachings of Ogasawara and Ben Dror et al. et al. for the purpose of reproducing more enhanced digital images.

Re claims 7, 18, Ogasawara in view of Ben Dror and Nakamura discloses a system and method for decoding a barcode according to Claims 1 and 14, wherein said mobile device is at least one of the group comprising a camera phone, mobile phone, smart phone, PDA, pager, pocket PC, desktop, or laptop computer (see Fig. 1; Fig. 10; and 14 of Ogasawara).

Re claims 8, 19, Ogasawara in view of Ben Dror and Nakamura discloses a system and method for decoding a barcode according to Claims 1 and 14, wherein said barcode is constructed from at least one of the standardized barcode symbology libraries comprising UPC-A, UC-E, ISBN, RSS-14, RSS-14E, RSS-14L, Interleaved 2 of 5, EAN/JAN-13, Code 3, Code 39 Full ASCII, Code 128, PDF417, QR Code, or Data Matrix. Ogasawara discloses a UPC bar code.

***Allowable Subject Matter***

5. Claims 5, 6, 11-13, 16, 17, 22-25, 27, 28, 30, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior art of the record discloses, teaches, or fairly suggests a method of decoding a barcode comprising, among other steps of, calculating the number of edges in a barcode images, loading a first symbology library, comparing the number of edges to a predetermined threshold require for the symbology library, and decoding the barcode from the barcode image utilizing the symbology library, wherein at least one other symbology library is loaded if the number of edges is less than the predetermined threshold. The prior art of the record is also silent about a particular network type and a message that is transmitted to a server within the network.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex\*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Steven S. Paik  
Primary Examiner  
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ssp